

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LORI IRISH,

Plaintiff,

vs.

UNITED STATES MARSHALS,

Defendants.

Case No. 2:10-CV-00719-JCM-(LRL)

**ORDER**


The court dismissed this action on June 25, 2010, because plaintiff did not pay the filing fee or submit an application to proceed in forma pauperis. Order (#2). The dismissal was without prejudice, and the court specifically told plaintiff that she could commence a new action in which she either paid the filing fee or submitted an application to proceed in forma pauperis. Id. Plaintiff then filed an application to proceed in forma pauperis (#5) in this action. Attached to the application was a letter. Plaintiff complained that the dismissal caused the statute of limitation for federal tort claims to expire. On September 15, 2010, the court explained to her how the statute of limitation worked with the requirement that she submit an administrative claim to the appropriate federal agency before she can commence an action in this court. The court also noted that plaintiff had not alleged that she ever submitted an administrative claim. Order (#7).

Now before the court is plaintiff's motion for reconsideration (#8). Plaintiff alleges that she did not submit an application to proceed in forma pauperis with her complaint because the Federal Bureau of Prisons took a while to give her the required financial information. She also alleges that she had problems with short-term memory due to injuries caused by a fall from a bunk bed.

1 The court may grant plaintiff relief from the judgment because of mistake, inadvertence,  
2 surprise, or excusable neglect. Fed. R. Civ. P. 60(b)(1). Plaintiff's reasons for reinstating the action  
3 are excusable neglect. "A motion under Rule 60(b) must be made within a reasonable time—and for  
4 reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the  
5 proceeding." Fed. R. Civ. P. 60(c)(1). Plaintiff filed her motion (#8) on March 16, 2012, more than  
6 one year and eight months after entry of the judgment on June 25, 2010, and well past the time for filing  
7 a motion pursuant to Rule 60(b)(1).

8 IT IS THEREFORE ORDERED that plaintiff's motion for reconsideration (#8) is **DENIED**.

9 DATED March 22, 2012.

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12 JAMES C. MAHAN  
13 United States District Judge  
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